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<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)		Application Number	10/031,627
		Confirmation Number	8277
		Filing Date	January 15, 2002
		First Named Inventor	KENDALL, MARK ANTHONY FERNANCE
		Group Art Unit	Unassigned
		Examiner Name	Unassigned
Total Number of Pages in This Submission	16	Attorney Docket Number	KEMP-002
<b>ENCLOSURES (check all that apply)</b>			
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Documents <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input checked="" type="checkbox"/> Petition to Withdraw Holding of Abandonment Under 37 CFR 1.181(a) <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Copy of Notice of Abandonment Copies of Response to Notification of Missing Requirements, Decl., Pet. for Ext. of time, Postcard and Express Label Postcard	Remarks
<b>SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT</b>			
Firm or Individual Name	ALAN W. CANNON, Reg. No. 34,977		
Signature			
Date	December 6, 2002		

<b>CERTIFICATE OF MAILING</b>			
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on this date: December 6, 2002.			
Typed or printed name	Martha Cisneros		
Signature		Date	December 6, 2002

Burden Hour Statement: This form is estimated to take .2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.



CERTIFICATE OF MAILING			
I hereby certify that the enclosed correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231.			
Typed or Printed Name	Martha Cisneros		
Signature		Date	12/06/2002

<b>Petition to Withdraw Holding of Abandonment under 37 CFR 1.181(a)</b>  Address to: <b>BOX Office of Petitions</b> Commissioner for Patents Washington, D.C. 20231	Customer Number	24353
	Application Number	10/031,627
	Confirmation Number	8277
	Filing Date	January 15, 2002
	First Named Inventor	KENDALL, MARK ANTHONY FERNANCE
	Examiner Name	Unassigned
	Group Art Unit	Unassigned
	Attorney Docket	KEMP-002

Sir:

Applicants, by way of this Petition Under 37 C.F.R. §1.181(a), request that the holding of abandonment of the above matter be withdrawn and that the Response to the Notification of Missing Requirements Under 35 U.S.C. 371 dated April 5, 2002, be considered by the Examiner. Applicants note that the response was timely filed on September 26, 2002, together with a request for and payment of the fee for four months extension of time. Copies of the transmittal form, request for extension of time, response, and date-stamped postcard are included herewith as proof of the timely filing of the response.

#### STATEMENT OF FACTS

A Notice of Abandonment was sent out in the above-identified case on November 25, 2002. The Notice of Abandonment, copy attached, indicates that Applicants failed to timely respond to the Notification of Missing Requirements Under 35 U.S.C. 371 dated April 5, 2002, and that no response has been received.

A search of the docket records and file jacket for this case indicates that Applicants' attorneys did timely file a response to the Office letter dated April 5, 2002, and copies of the appropriate documents proving such timely filing are enclosed herewith.

12/17/2002 KXAYPAGH 00000053 500815 10031627

01 12/17/2002 130.00 CR

Adjustment date: 03/25/2003 LLANDGRA  
12/17/2002 KXAYPAGH 00000053 500815 10031627  
01 FC:1617 130.00 CR  
02 FC:1254 1440.00 CR

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RELIEF REQUESTED

Accordingly, the Commissioner is respectfully requested to withdraw the holding of abandonment and continue examination of the present application on the merits, by considering the contents of the response filed on September 26, 2002.

No fee is believed due in view of the error on the part of the Office. If for any reason a fee should be due, the Commissioner is hereby authorized to charge any fees to Deposit Account No. 50-0815. The Commissioner is not, however, authorized to charge the issue fee in this case.

Respectfully submitted,  
BOZICEVIC, FIELD & FRANCIS LLP

Date:

December 6, 2002

By:

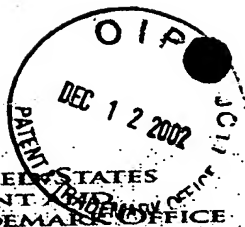


Alan W. Cannon  
Registration No. 34,977

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200 Middlefield Road, Suite 200  
Menlo Park, California 94025  
Telephone: (650) 327-3400  
Facsimile: (650) 327-3231



UNITED STATES  
PATENT AND  
TRADEMARK OFFICE



Commissioner for Patents  
Washington, DC 20231  
www.uspto.gov

APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/031,627		Mark Kendall	KEMP002

CONFIRMATION NO. 8277

**ABANDONMENT/TERMINATION  
LETTER**



\*OC000000009157136\*

Bozicevic Field & Francis  
200 Middlefield Road  
Suite 200  
Menlo Park, CA 94025

Date Mailed: 11/25/2002

**NOTICE OF ABANDONMENT UNDER 37 CFR 1.53 (f) OR (g)**

The above-identified application is abandoned for failure to timely or properly reply to the Notice to File Missing Parts (Notice) mailed on 04/05/2002.

- The reply received on 01/15/2002 was improper. The reply did not include:
  - The oath or declaration of all the inventors required under 37 CFR 1.63 for this nonprovisional application.

A petition to the Commissioner under 37 CFR 1.137 may be filed requesting that the application be revived.

Under 37 CFR 1.137(a), a petition requesting the application be revived on the grounds of **UNAVOIDABLE DELAY** must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied by: (1) an adequate showing of the cause of unavoidable delay; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(l); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Under 37 CFR 1.137(b), a petition requesting the application be revived on the grounds of **UNINTENTIONAL DELAY** must be filed promptly after applicant becomes aware of the abandonment and such petition must be accompanied by: (1) a statement that the entire delay was unintentional; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(m); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Any questions concerning petitions to revive should be directed to "Office of Petitions" at (703) 305-9282.

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center  
Initial Patent Examination Division (703) 308-1202

PART 3 - OFFICE COPY

# COPY

FORM PTO-1390) U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE (REV.11-2000)		ATTORNEY'S DOCKET NUMBER <b>KEMP-002</b>
<b>TRANSMITTAL LETTER TO THE UNITED STATES          DESIGNATED/ELECTED OFFICE (DO/EO/US)          CONCERNING A FILING UNDER 35 U.S.C. 371</b>		U.S. APPLICATION NO. (If known, see 37 CFR 1.5) <b>10/031,627</b>
INTERNATIONAL APPLICATION NO. <b>PCT/GB00/02257</b>	INTERNATIONAL FILING DATE <b>June 9, 2000</b>	PRIORITY DATE CLAIMED <b>July 16, 1999</b>
TITLE OF INVENTION <b>NEEDLELESS SYRINGE</b>		EXPRESS MAIL NUMBER <b>EV 036410206 H5</b>
APPLICANT(S) FOR DO/EO/US <b>Mark Kendall and Garry Brown</b>		
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:		
<ol style="list-style-type: none"> <li>1. <input type="checkbox"/> This is a <b>FIRST</b> submission of items concerning a filing under 35 U.S.C. 371.</li> <li>2. <input checked="" type="checkbox"/> This is a <b>SECOND</b> or <b>SUBSEQUENT</b> submission of items concerning a filing under 35 U.S.C. 371.</li> <li>3. <input type="checkbox"/> This express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.</li> <li>4. <input type="checkbox"/> The US has been elected by the expiration of 19 months from the priority date (Article 31).</li> <li>5. <input type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2)))           <ol style="list-style-type: none"> <li>a. <input type="checkbox"/> is transmitted hereto (required only if not communicated by the International Bureau).</li> <li>b. <input type="checkbox"/> has been communicated by the International Bureau.</li> <li>c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office(RO/US)</li> </ol> </li> <li>6. <input type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).           <ol style="list-style-type: none"> <li>a. <input type="checkbox"/> is attached hereto.</li> <li>b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4).</li> </ol> </li> <li>7. <input type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))           <ol style="list-style-type: none"> <li>a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau).</li> <li>b. <input type="checkbox"/> have been communicated by the International Bureau.</li> <li>c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired.</li> <li>d. <input type="checkbox"/> have not been made and will not be made.</li> </ol> </li> <li>8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).</li> <li>9. <input checked="" type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).</li> <li>10. <input type="checkbox"/> An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).</li> </ol> <p style="margin-top: 10px;">Items 11 to 20 below concern document(s) or information included:</p> <ol style="list-style-type: none"> <li>11. <input type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98.</li> <li>12. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.</li> <li>13. <input type="checkbox"/> A <b>FIRST</b> preliminary amendment.</li> <li>14. <input type="checkbox"/> A <b>SECOND</b> or <b>SUBSEQUENT</b> preliminary amendment.</li> <li>15. <input type="checkbox"/> A substitute specification.</li> <li>16. <input type="checkbox"/> A change of power of attorney and/or address letter.</li> <li>17. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 35 U.S.C. 1.821-1.825.</li> <li>18. <input type="checkbox"/> A second copy of the published international application under 35 U.S.C. 154(d)(4).</li> <li>19. <input type="checkbox"/> A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).</li> <li>20. <input checked="" type="checkbox"/> Other items or information: <b>Petition for 4 Month Extension of Time, Copy of Notif. of Miss Req. and Postcard</b></li> </ol>		





## UNITED STATES PATENT AND TRADEMARK OFFICE

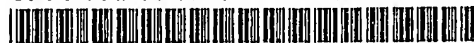
Commissioner for Patents, Box PCT  
United States Patent and Trademark Office  
Washington, D.C. 20231  
www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/031,627	Mark Kendall	KEMP002
INTERNATIONAL APPLICATION NO.		
PCT/GB00/02257		
LA. FILING DATE	PRIORITY DATE	
06/09/2000	07/16/1999	

Bozicevic Field & Francis  
200 Middlefield Road  
Suite 200  
Menlo Park, CA 94025

CONFIRMATION NO. 8277

371 FORMALITIES LETTER



\*OC00000007798186\*

Date Mailed: 04/05/2002

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as an Elected Office (37 CFR 1.495):

- U.S. Basic National Fees
- Priority Document
- Copy of IPE Report
- Copy of references cited in ISR
- Copy of the International Application
- Copy of the International Search Report
- Information Disclosure Statements
- Preliminary Amendments
- Request for Immediate Examination

04/16/02  
DOCKETED

M.P. 06/05/2002  
L.D. 11/05/2002

Contract Invention

RECEIVED

APR 15 2002

Bozicevic, Field & Francis

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- \$130 Surcharge for providing the oath or declaration later than the appropriate 30 months from the priority date (37 CFR 1.492(e)) is required.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTH FROM THE DATE OF THIS NOTICE OR BY 22 or 32 MONTHS (where 37 CFR 1.495 applies) FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

SUMMARY OF FEES DUE:

Total additional fees required for this application is \$130 for a Large Entity:

- \$130 Late oath or declaration Surcharge.

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

PAULETTE R KIDWELL

Telephone: (703) 305-3656

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/031,627	PCT/GB00/02257	KEMP002

FORM PCT/DO/EO/905 (371 Formalities Notice)





BOZICEVIC, FIELD & FRANCIS, LLP  
200 MIDDLEFIELD ROAD, SUITE 200  
MENLO PARK, CA 94025

**DT19 Rec'd PCT/PTO 26 SEP 2002**

Express Mail No. EV 036 410 206 US

Atty/Sec: AWC/mpc

File No. KEMP002

Application No.: 10,031,627

Confirmation Number: 8277

Inventor(s): Kendall et al.

Title: Needleless Syringe

Date Mailed: September 26, 2002

Date Filed: 01/15/02

Enclosures:

- ◆ Trans. Letter Concerning Filing Under 35 USC 371 (in duplicate)
- ◆ Copy of Notification of Missing Requirements (2 pgs.)
- ◆ Petition for Extension of Time (1 pg.)
- ◆ Combined Declaration and Power of Attorney (3 pgs.)

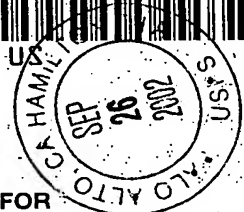
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